

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

SETH GLEASON,

Plaintiff,

VS.

RODNEY E. SHERMAN, *et al.*,

Defendants.

Case No. 4:20-cv-01089-MTS

## MEMORANDUM AND ORDER

This matter is before the Court on Defendants’ Motion to Dismiss Count III, Doc. [9], of Plaintiff’s Complaint for failure to state a claim upon which relief can be granted under Fed. R. Civ. P. 12(b)(6). In Counts I and II of Plaintiff’s Complaint, he brings a claim under the Fair Labor Standards Act and the Missouri Minimum Wage Law. In Count III, Plaintiff brings a claim for breach of contract, alleging that Defendants breached their contract when they failed to pay Plaintiff at the agreed rate for overtime hours Plaintiff worked. After reviewing the Complaint and all relevant briefing on this Motion, the Court concludes that Plaintiff has pleaded sufficient factual detail that, when taken as true, states a claim for breach of contract under Missouri law that is plausible on its face. *See* Doc. [1] ¶ 28, 30–31, 66–73; *see also Lustgraaf v. Behrens*, 619 F.3d 867, 873 (8th Cir. 2010) (detailing standard under motion to dismiss for failure to state a claim under Fed. R. Civ. P. 12(b)(6)).

Accordingly,

**IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss, Doc. [9], is **DENIED**.

Dated this 23rd day of August, 2021.

*W. H. P. T. E.*

MATTHEW T. SCHELP  
UNITED STATES DISTRICT JUDGE